

REMARKS/ARGUMENTS

Claims 1-20 are pending in the instant application. Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by international patent application no. WO03/053554 of Medrad, Inc. The application has been amended. Claim 1, 3, 5, 6, 14, 15, and 17 have been amended to more particularly claim the instant invention. Claim 18 has been canceled. Applicant respectfully submits that the amendments do not incorporate new matter in contravention of 35 U.S.C. §132. Reconsideration is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. §102(e) as being anticipated by international patent application no. WO03/053554 of Medrad, Inc. This rejection is respectfully traversed.

The present invention provides an adaptor for a syringe pump used for dispensing the contents of a hand-held syringe. The adaptor is configured to be received by the pump as would a hand-held syringe. The adaptor itself holds the syringe and provides a means of agitating the contents of the syringe.

Medrad, on the other hand, discloses an adaptor for an in-line cartridge injector. Applicant notes that cartridges differ from hand-held syringes in that the cartridges lack a plunger-rod, or push-rod, for urging the cartridge's internal piston towards and away from the dispense end of the cartridge. Applicant respectfully submits that confusion may arise from Medrad's use of the terms "syringe", "plunger", and "piston" for describing what

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Applicant would refer to as a ‘cartridge’, ‘piston’, and ‘plunger-rod’, respectively. In fact, without an adaptor as disclosed at Figures 3A and 3B, the Medrad injector is unable to dispense from a hand-held syringe as Applicant uses that term as the injector is not configured to even receive one.

It is axiomatic that in order for a reference to anticipate, it must enable the claimed invention. Ex parte Gould, 231 USPQ 943 (BPAI 1986). The Medrad adaptor is provided for an injector that is only capable of dispensing from cartridges, not hand-held syringes. In fact the only possibility for the Medrad injector to dispense from a hand-held injector is with the provision of the Medrad adaptor of Figures 3A and 3B, discussed at page 14, line 14 to page 15, line 32. As such, it is clear that the Medrad disclosure fails to enable the presently claimed invention as there is no provision of an injector which dispenses from hand-held syringes. Moreover, the Medrad reference fails to disclose, teach, or suggest a pump for a hand-held cartridge as is required by the instant claims. While the Medrad reference employs terminology for describing their cartridges that is similar to Applicant’s terminology for describing a hand-held syringe, Applicant respectfully submits that a proper reading of Medrad will dictate that the ‘syringes’ of Medrad are quite distinct from the syringes of the present invention. The present invention, therefore, is patentably distinguishable therefrom. Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the amendments and remarks, hereinabove, Applicant respectfully submits that the instant application, including claims 1-17 and 19-20, is patentably distinct over the prior art. Favorable action thereon is respectfully requested.

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Any questions with respect to the foregoing may be directed to Applicant's undersigned counsel at the telephone number listed below.

Respectfully submitted,



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